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April 2, 2015

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

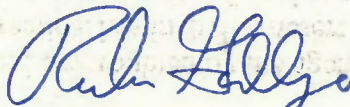
Dear Administrator McCarthy:

I appreciate your strong support for the Clean Water Act (CWA), landmark legislation that represents one of the cornerstones of environmental protection policy in America. Like you, I am committed to ensuring that current and future Arizonans can enjoy clean water and a healthy environment, and am committed to upholding the integrity of laws like the CWA in Congress as a member of the House Natural Resources Committee. However, I write today to share my concerns regarding the proposed rule (published April 21, 2014) redefining "Waters of the United States" under the CWA.

Though clearly well-intentioned, I am troubled by the agency's treatment and regulation of "tributaries," which, under agency practice, has included desert washes. In Arizona, these stream beds are part of ephemeral systems and are often found at substantial distances from traditional navigable or interstate waters. Under the proposal, every ephemeral system – regardless of size or function – would be regulated. In addition, unlike other states, Arizona is crisscrossed with man-made canals that are essential for water delivery and could potentially fall under CWA regulation under this proposal. These changes, if finalized, will create significant uncertainty for localities as well as the industries that comprise the backbone of the state's economy, including agriculture and water delivery.

I strongly encourage EPA to revisit the proposed rule and take into consideration the unique factors and features ubiquitous to Arizona's landscape that render provisions of the proposed rule concerning to our communities. I look forward to working with you to help find meaningful alternatives that provide clarity and consistency for our state while ensuring the intent of the CWA continues to be carried out.

Sincerely,



Ruben Gallego
Member of Congress